

and we will forever honor his sacrifice. Our Nation is richer today for what he did on behalf of freedom's cause.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I ask unanimous consent to use leader time for our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAA AND GAS PRICES

Mrs. MURRAY. Mr. President, I want to respond to some of the opening remarks of the Republican leader.

The Senate is going to vote this afternoon on cloture on the FAA modernization bill. This is an extremely important piece of legislation. It is bipartisan. We agreed unanimously last week to go to this bill. It has been stalled on procedural motions ever since. This is a critical piece of legislation that all of us know we need to get to. I will be speaking later this morning on that bill. But I wanted to address the remarks of the Republican leader in particular, who said the Republicans were going to block the motion to invoke cloture this afternoon because of "extraneous measures" in the bill.

I remind my colleagues, the majority leader was on the floor of the Senate last week offering numerous alternatives to the Republican side to allow them to offer amendments, to allow them to move forward on this bill, to come to some agreement to move forward.

It is disappointing to hear they still object. Of the extraneous amendments, one has to do with the highway trust fund and the fact that we are out of money and need to address that issue. It is addressed in a bipartisan way in this bill. It is badly needed for roads, bridges, and highway construction, and it is a responsibility with which we should proceed. The other one has to do with reimbursing New York for money from 9/11. This is not controversial. It was agreed upon after 9/11.

The budget the President sent to us says it is necessary, and it is in this bill because it is important that we get that done and move it forward. This legislation allows us the opportunity to do so.

These are not controversial issues. It is important that we move forward on this legislation. I hope our colleagues will agree to do that this afternoon.

Finally, I heard this morning that our Republican colleagues say that Democrats aren't going to deal with the gas tax issue. I assure everyone, we understand this issue. When we go home and see gas prices nearing \$4 a gallon, when we hear from truck drivers and people who are trying to get to work or to grocery stores, the price is really hurting them. We are doing everything we can on this side—and have

been—to try to move us forward in a way that addresses this crisis, but we recognize there are no short-term, easy, quick fixes. We know the same-old, same-old of promising drilling that would not produce anything for 10 years or giving away more money to the oil companies as an incentive is not the right way to get constituents to a place where they believe gas prices are again affordable. We are in the process of putting together a comprehensive piece of legislation that the Democratic leader will announce this week. I look forward to having our colleagues on the other side move forward with us on that comprehensive package to address the gas price issue facing our constituents.

With that, we will be now moving to a period of morning business. I look forward to addressing the Senate later on the FAA authorization bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Pennsylvania.

NOMINATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the nomination process, to be followed by Senators CORNYN and KYL.

The situation is desperate at the present time, as the Senate has reverted to a longstanding policy in the last 2 years where the White House is controlled by one party and the Senate by another. The nominees of President Bush are being inappropriately blocked. During the course of the last 2 years of the Clinton administration, there were 15 circuit judges confirmed, 57 district judges, contrasted with only 7 circuit judges confirmed during the last 2 years of the Bush administration, and 38 district judges. For the entire 8 years, President Clinton has 65 circuit confirmations contrasted with only 58 for President Bush. President Clinton had 305 district confirmations contrasted with only 241.

Regrettably, this has been the pattern for the past 20 years—in the last 2 years of President Reagan's administration, when the Senate was controlled by Democrats; in the last 2 years of President Bush the first; and in the 6 years Republicans controlled

the Senate during President Clinton's administration.

The issue has been raised by Democrats about the inappropriate blocking by Republicans of the Clinton administration. I have agreed with them. I voted to confirm the Clinton judges who were qualified. The action taken was not appropriate, and I disagreed with my caucus. But now my caucus is right.

An agreement had been reached—a good-faith agreement, so to speak—by leadership to confirm three circuit judges between now and Memorial Day. The Democrats had chosen three nominees: Judge Helene White, Mr. Kethledge, and Justice Agee, who are really out of turn. It would be much more appropriate to take up Judge Conrad who has been waiting 290 days for a hearing; Mr. Matthews, who has been waiting 240 days for a hearing; or Mr. Keisler, who has been waiting 675 days for a committee vote.

The chairman obviously has the right to make the selection on the calendar, but it is important to note that this selection was made without any consultation with the Republicans, which is a sharp shift in practice from what happened during the last Congress when I chaired the committee and Senator LEAHY was ranking. The White House wanted the confirmation hearings of Chief Justice Roberts to start on August 29. I had serious questions about the wisdom of doing that and consulted with Senator LEAHY extensively. Senator LEAHY was totally opposed. I made the decision to start the hearings after Labor Day, after due and appropriate consultation with the Democrats.

Similarly, on the nomination of Justice Alito, the White House wanted the confirmation completed by Christmas. Again, I had severe concerns about hurrying the process. I consulted extensively with Senator LEAHY, and then I made the decision to start the hearings in January. Let the record show after the confirmations were completed successfully, President Bush agreed with the judgment to hold the hearings when they were scheduled. That is the sort of comity which is indispensable if this body is to function.

There are grave concerns raised about the scheduling of the confirmation of Judge Helene White because, simply stated, there is not enough time to do it and do it right. Judge White was nominated on April 15, less than a month ago. Her questionnaire was not received until April 25. The FBI investigation was not begun until April 25. The ABA report cannot be completed until May 19 at the earliest. After Judge White's hearing, which is scheduled hastily for May 7, the committee typically leaves the record open for 1 week, which would close the record on May 14. If there are questions for the record, Judge White would have 1 week to answer those questions, which would bring us to May 21. If the nomination is held over for a week, that would put us